



**Testimony of Connecticut Fund for the Environment**  
**Before the Planning and Development Committee**  
*In Support of H.B. No. 6590, AN ACT CONCERNING STANDARDS OF REVIEW*  
**BY INLAND WETLANDS AGENCIES**

Submitted by Eric Annes, Legal Fellow  
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*Connecticut Fund for the Environment ("CFE"), with a total membership of approximately 6,000 Connecticut members, uses law and science to defend Connecticut's air, land and water.*

CFE supports the concept of bill H.B. 6590, An Act Concerning Standards of Review by Inland Wetlands Agencies. The four amendments of "which" to "that" are grammatically correct in American English. In British English this distinction does not exist. As Connecticut is proudly American and CFE is proudly Connecticutian, CFE supports the use of American English.

As a substantive matter, CFE supports the concept of codifying the logical idea that a rejected application is not a feasible or prudent alternative to an application currently under review. Indeed, by virtue of being previously rejected, a rejected plan is can be considered neither prudent nor feasible. According to Merriam-Webster OnLine, the word feasible means: 1. capable of being done or carried out; 2. capable of being used or dealt with successfully; 3. reasonable, likely. A plan that has been rejected is not capable of being done or carried out, used or dealt with successfully. In fact, a rejected plan is decidedly NOT capable of being done. *Ipso facto*, a rejected plan is not a feasible alternative; it is, rather, an infeasible alternative. Prudent, according to Merriam-Webster OnLine is defined as "marked by wisdom or judiciousness." A plan that has been rejected cannot be described as marked by wisdom or judiciousness. For, if the plan were so marked, it would not have been rejected.

Although CFE supports the concept of H.B. 6590, CFE requests that the language be amended so as to make clear that a plan that is not substantially different from a previously rejected plan shall not be reviewed de novo. Wetland commissions should be required to go through the entire process of reviewing a plan that is substantially similar to a previously rejected plan. A plan that has been rejected should be rejected for the same reasons, without a new hearing and review process, for the same reasons the plan was originally rejected.